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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Billy Joe Hayes,

)

)

HPA Docket No. 12-0008

)

)

Consent Decision

Respondent.

)

and Order

This proceeding was instituted under the Horse Protection Act ("Act"), as amended (15 U.S.C. § 1821 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent violated the Act. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits the jurisdictional allegations as set forth herein and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Billy Joe Hayes is an individual whose mailing address is 15275 Forkland Road, Parkville, KY 40464.
2. On July 3, 2009, respondent entered for the purpose of showing or exhibiting the horse known as "Designer Original" as entry number 311 in class number 15, at the at the Adair County Horse Show in Columbus, Kentucky.

Conclusions


Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order


1. Respondent is disqualified for one year from showing, exhibiting, or entering any horse, directly or indirectly through any agent, employee, or other device, and from judging, managing or otherwise participating in any horse show, horse exhibition, or horse sale or auction. "Participating" means engaging in any activity beyond that of a spectator, and includes, without limitation, transporting or arranging for the transportation of horses to or from equine events, personally giving instructions to exhibitors, being present in the warm-up or inspection areas, or in any area where spectators are not allowed, and financing the participation of others in equine events.

This order shall have the same effect as if entered after a full hearing and shall become effective upon issuance on the respondent.

Copies of this decision shall be served upon the parties.




Billy Joe Hayes
Respondent



Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 14th day of December, 2011



Administrative Law Judge